

Benin

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Freedom of the Press

Benin had previously been ranked among the best-performing African countries for press freedom, but a number of disturbing trends that began following the 2006 election of current president Thomas Boni Yayi persisted in 2013, including the use of legal and regulatory structures to restrict media freedom and intimidate journalists who criticize the administration.

Freedom of speech is protected by the constitution and generally respected by the government in practice. Yet the 1992 act creating the High Authority for Audiovisual Media and Communication (HAAC) also provides for a number of vague exceptions to the right to freedom of expression, such as in the case of “the needs of national defense” or “safeguarding of cultural identity.” The 1997 Press Law criminalizes libel and defamation, and although some judges are hesitant to pursue prosecution, there has been an increase in such cases against journalists in recent years. Berthe Cakpossa, director of the private television station Canal 3, was charged with criminal defamation in September 2012 for authorizing the rebroadcast of a taped press conference by former presidential legal adviser Lionel Agbo. In the broadcast, Agbo accused members of the president’s office of corruption. In January 2013, both Cakpossa and Agbo were sentenced to three and six months in prison, respectively, for defamation and “offending the head of state”; these were considered particularly severe sentences for Benin. By the end of the month, however, the president had made the surprising move of publicly pardoning both.

The trend of state interference in media content has been particularly evident in the behavior of the official regulatory body, the HAAC, which was the first independent media regulatory body on the continent and had been seen in the past as a model. The HAAC has recently become less independent, particularly following the presidential appointment of a new chairman in 2011 who is believed to be closely allied with Yayi. In 2011 and 2012, the HAAC censured media outlets for defamation numerous times. While no overt censorship of content or closure of outlets was conducted in 2013, investigations into “ethics breaches,” as the HAAC refers to them, are typically very public affairs and can include suspension or fines of up to \$19,000. All media outlets are required to submit content to the HAAC for review prior to distribution. In 2013, the HAAC issued a number of ethics advisories, including one requiring ratings displays on all television programming intended to protect children, and another requiring the regular verification of the physical locations of media outlets—ostensibly to allow for easier satisfaction of public grievances.

Journalists typically have difficulty accessing information from the government. The constitution and other laws provide for freedom of information, but no specific procedures have been created for releasing or obtaining public documents. The penal code prohibits civil servants from divulging “professional secrets.”

Physical harassment of journalists is unusual in Benin, but a number of such incidents occurred in 2011 ahead of the presidential election, and a relatively minor incident occurred in late 2013. Police detained two journalists who were covering a student protest that ended violently; the reporters were taken to the local police station but released later that day. Some journalists practice self-censorship.

Most print media outlets are private and have a history of providing aggressive reporting and robust scrutiny of both government and opposition leaders. There are now nearly 100 dailies and more than 50 periodicals, a particularly high number for a country with such a low literacy rate, though many are economically vulnerable and do not publish regularly. Radio has the highest penetration of any medium in

Benin, but most are small private local stations. The state broadcaster is the only outlet accessible nationwide due to its access to the best transmission equipment. Government influence over media content is a particular problem at the state-controlled television station, where opposition politicians have little airtime and the president has the final say over directorial appointments. However, the state-run radio stations, of which there are now three, and its newspaper, *La Nation*, are believed to operate somewhat more independently. Most of Benin's private media outlets rely on direct funding from their political and corporate backers. Moreover, despite such a diverse array of outlets, media concentration is becoming a concern. While the law prohibits any one party from owning more than 51 percent of a single outlet, there is nothing prohibiting ownership of a radio, television, and newspaper in the same market. This has led to an increase in "press groups" in which multiple news mediums are jointly owned and operated. Journalists are also susceptible to bribes from politicians and other influential actors and many provide favorable coverage in return. The government and private companies alike are known to use advertising contracts—and the threat of withholding them—to influence media content, though the government appears to distribute subsidies fairly.

Despite being the first West African country to obtain internet access, the penetration rate was only about 5 percent in 2013, and the internet cannot yet be considered a primary way for citizens of Benin to access news and information. Currently, the internet is mainly available via slow dial-up connections at the more than 400 cybercafés around the country, but a new undersea fiber-optic cable landing in Ghana is expected to improve connectivity.

2014 Scores

Press Status

Partly Free

Press Freedom Score

(0 = best, 100 = worst)

36

Legal Environment

(0 = best, 30 = worst)

12

Political Environment

(0 = best, 40 = worst)

11

Economic Environment

(0 = best, 30 = worst)

